



U.S. Department of Justice

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August 22, 2022

BY CM/ECF

The Hon. Ellen L. Hollander
U.S. District Court Judge
U.S. Courthouse
101 W. Lombard Street
Baltimore, Maryland 21201

Re: *United States v. Jacky McComber*
Crim. No. ELH-21-036
Next Week's Motion Hearing(s)

Dear Judge Hollander:

I am writing to the Court to seek clarification with regard to exactly what days we have set aside for hearings in this matter next week.

The Court's Scheduling Order of July 8th (ECF # 124, copy enclosed) set aside motion argument dates (each at 10:00 a.m.) for Monday, August 29th for the *Brady*/discovery motion and then on Tuesday, August 30th for the hearing on the government's motion *in limine* relating to the opinions of the government's proposed expert Mr. Stein.

However, because the motions hearing and Mr. Stein's testimony ultimately ran through Monday, July 25th, the court at the end of that day's proceedings set a separate schedule for post-hearing briefing in that matter and set a new motions hearing date of Wednesday, September 7th at 10:00 a.m. ECF # 133 (paperless). Thus, the motions hearing for next Tuesday relating to Mr. Stein's opinions perhaps should have come off the court's calendar, although it is still shown on the Court's website.

I have a recollection, however, that at some point during the hearings on either the 20th or the 25th, the Court proposed that since the Stein motion argument was now going to be on September 7th, that we move the motion to compel argument from Monday morning, 8/29 into that Tuesday morning 8/30 time slot. That seems to make sense, particularly in terms of reducing the burden on all parties over the weekend, but I cannot find confirmation of this in the hearing transcripts. On the other hand, perhaps the Court felt that it should retain the hearing date on Tuesday the 30th in case the argument on the motion to compel ran longer than expected, and thus still intended to commence on the 29th.

The Hon. Ellen L. Hollander
August 22, 2022
Page Two

I am therefore writing in hopes that the Court can clarify this confusion for me, which may perhaps be shared by other counsel as well.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "J.M. Gray", with a long, sweeping horizontal line extending to the right.

Jefferson M. Gray

cc: Clarke Ahlers, Esq. (by CM/ECF)

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of
Ellen Lipton Hollander
District Court Judge

101 West Lombard Street
Baltimore, Maryland 21201
410-962-0742

July 8, 2022

LETTER TO COUNSEL

Re: *United States of America v. Jacky Lynn McComber f/k/a Jacky Lynn Kimmel*
Criminal No.: ELH-21-0036

Dear Counsel:

This letter confirms and amplifies the substance of the lengthy telephone status conferences held on July 7, 2022 and July 8, 2022.¹ The following schedule shall now govern:

1. We will proceed, as previously scheduled, with the motions hearings on **July 14, 2022 and July 20, 2022, both beginning at 10:00 a.m.** It is anticipated that the government will present evidence that it believes is pertinent to an impending motion in limine, and the defense will call its proposed expert. The Court also expects to hear argument concerning the proposed opinions of the defense expert, Mr. Stein.
2. The government's motion in limine concerning the validity of the defendant's proposed defense is due by the close of business on **July 22, 2022**. Defendant's opposition is due by the close of business on **August 5, 2022**. The government's reply, if any, is due by the close of business on **August 19, 2022**.
3. A motions hearing as to the defendant's "Brady"/discovery motion (ECF 100) will be held on **August 29, 2022, at 10:00 a.m.** The defense reply is due by **July 22, 2022**. See ECF 119. **Counsel for both sides are reminded to provide the Court with courtesy copies of their respective submissions.**
4. The motion in limine hearing will be held on **August 30, 2022, at 10:00 a.m.**
5. The pretrial conference has been rescheduled to **October 14, 2022, at 4:00 p.m.** It will be held in Chambers unless, by **October 3, 2022**, defense counsel advises the Court, in writing, of defendant's desire to attend the conference. If so, the pretrial conference will be held in the courtroom.

¹ A court reporter participated for both status conferences.

6. Trial (4 weeks, jury) has been rescheduled from August 29, 2022 to **October 24, 2022**. Counsel are directed to report to the Courtroom by 9:30 a.m. on that date. **Please note that the Court will not sit on October 31, 2022.**
7. **Defense counsel is reminded to arrange for a *Lafler* hearing with a magistrate judge, to be held shortly before the commencement of trial.**

Despite the informal nature of this letter, it is an Order of the Court and shall be docketed as such.

Very truly yours,

/s/

Ellen L. Hollander
United States District Judge